IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

(SUO MOTU) CONTEMPT PETITION NO.88 OF 1994

The Juma Masjid of Bombay Trust ..Plaintiff.

V/s.

Mrs.Rukhsana Yakub Kapadia & ors..Respondents.

Mr.Chirag Balsara with A. Fernandes i/b. Bilawala & Co. for plaintiff.

CORAM: A.M.KHANWILKAR,J

DATE : JANUARY 22, 2007.

P.C. :

1. This contempt petition emanates from the application taken out by the plaintiff before the trial Court for initiating contempt action against the respondent No.1. The trial Court has referred the matter to this Court with a finding that the respondent NO.1 had willfully disobeyed the undertaking given before the trial Court. During the pendency of this petition however, the respondent No.1 has not only compensated the plaintiff-trust by paying sum of Rs.5 Lakhs, which amount has been duly received by the plaintiff-trust, as is accepted by the counsel appearing for the trust; coupled with the fact that the respondent No.1 has tendered unconditional apology and expressed remorse, this

Court thinks it appropriate to show indulgence to the respondent No.1 and terminate the proceedings on the basis of the said unconditional apology as well as the subsequent development referred to above.

2. Hence the petition disposed of accordingly. Notice issued to respondent No.1 stands discharged.

3. The Court expresses a word of gratitude to advocate appearing for the plaintiff-trust as amicus curiae.